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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,664	04/19/2001	Fernando Pedone	10005190-1	9896

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EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,664

Applicant(s)

PEDONE, FERNANDO

Examiner

Akiba K. Robinson-Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. Due to communications filed 4/19/01, the following is a non-final first office action. Claims 1-19 are pending in this application. Claims 1-19 are rejected as follows.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9, 12-17 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1 and 12, the terms "REPLIES" and "SRVS" are relative terms that renders the claim indefinite. The terms "REPLIES" and "SRVS" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Because the terms "REPLIES" and "SRVS" are used, the entire claim and the scope of the invention unclear. All claims that depend directly or indirectly from claim 1 (Claims 2-9), and claims that depend directly or indirectly from claim 12 (Claims 13-17 and 19) are also rendered as indefinite.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4, 5, 7-13, 15, 16, 18, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen (US 5,878,139).

As per claim 1, Rosen discloses:

a) sending the e-ticket from an initial receiving server S_i to a plurality of servers including S_i , wherein each server returns an answer indicative of whether that server previously answered an inquiry for the e-ticket, (col. 43, lines 23-26, sending copy of the electronic ticket to merchant trusted agent, which represents a merchant server since the agent exchanges e-tickets and payments with the customer's trusted agent and in order to actually make the exchange a server is needed to access the appropriate files for exchange, fig. 5, shows more than one server);

b) collecting the identities of the answering servers in an answer set, REPLIES, (Col. 14, line 57-Col. 14, line 2, reply message is shown, in this case the server's identity must be collected in order to successfully send a message to a particular server);

c) broadcasting the e-ticket and REPLIES, to the plurality of servers, if at least one server previously answered an inquiry for the e-ticket, (Col. 33, lines 11-16, shows implementation of broadcasting, Col. 17, lines 46-49, sends the identity of the

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merchandise [represents e-ticket], and also sends a message to trusted agent A to buy the selected merchandise or e-ticket); and

d) collecting the identity of any server Sk broadcasting the e-ticket and an associated answer set REPLIES in a second answer set SRVS upon receipt of the broadcast, (Col. 14, lines 61-63, shows messages are numbered which appears in reply messages, which means there is at least a first and a second reply message, and as stated above, the server's identity must be collected in order to successfully send a message to a particular server).

In this case, Rosen does not specifically disclose collecting identities of servers every time an answer set is delivered. However, this feature is obvious with Rosen because a server's identity must be collected in order to successfully send a message to that particular server. If the identity was not known, then the message would never reach the particular server. Rosen also does not specifically disclose broadcasting the e-ticket to a plurality of servers. However, it is obvious that the e-ticket is sent to a plurality of servers since a copy of the ticket is already sent to a merchant server via merchant trusted agent and Rosen shows a plurality of servers in fig. 5.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to identify servers when an answer set is delivered with the motivation of determining which server produced a particular answer set to send e-tickets to a plurality of servers with the motivation of receiving a plurality of replies.

As per claim 2, Rosen discloses:

wherein step b) is performed until a majority of servers has answered, (Col. 14, line 57-Col. 14, line 2, shows use of timers, so if the timer expires before the message has been received, the transaction will be aborted, in this way, for the servers who have replied, the transaction will be processed and identities collected for those particular servers).

As per claims 4, 11, 15, Rosen discloses:

e) accepting the e-ticket if Si receives its own broadcast and REPLIEC is a subset of SRVC/accepting the e-ticket, (Col. 19, lines 29-31, accept merchandise [e-ticket]) .

As per claim 5, 16, Rosen discloses:

d) rejecting the e-ticket if Si has received its own broadcast and REPLIES is not a subset of SRVS, (Col. 19, lines 27-28, does not accept merchandise [e-ticket]) .

As per claims 7, 18, Rosen discloses:

wherein the e-ticket represents a prior reservation of goods or services, (Col. 9, lines 21-24, pre-transaction).

As per claim 8, Rosen discloses:

wherein the e-ticket contains no information specifically identifying the owner, (col. 13, lines 1-9, credential saved separately as secondary record [doesn't have to be used]).

As per claim 9, 19, Rosen fails to disclose:

wherein broadcasts are performed in accordance with a selected one of a pure atomic broadcast, a general broadcast, a CT-broadcast, and an OPT-broadcast protocol:

Official notice is taken that is old and well known in the broadcast art for broadcasts to be performed in accordance with a selected one of a pure atomic broadcast, a general broadcast, a CT-broadcast, and an OPT-broadcast protocol. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for broadcasts to be performed in accordance with a selected one of a pure atomic broadcast, a general broadcast, a CT-broadcast, and an OPT-broadcast protocol with the motivation of broadcasting messages in accordance with the most effective broadcast technology.

As per claim 10, Rosen discloses:

sending the e-ticket from an initial receiving server S_i to a plurality of servers including S_i , wherein each server returns an answer indicative of whether that server previously answered any inquiry for the e-ticket, (col. 43, lines 23-26, sending copy of the electronic ticket to merchant trusted agent, which represents a merchant server since the agent exchanges e-tickets and payments with the customer's trusted agent and in order to actually make the exchange a server is needed to access the appropriate files for exchange, fig. 5, shows more than one server);

b) selecting a conflict mode if at least one selected server of a majority of servers answered a previous inquiry for the e-ticket, (Col. 14, lines 11-31, executing commit

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transaction when both A and B commit, A will delete ticket and B will no longer be provided); and

c) selecting a conflict-free mode if none of the majority of servers has answered any previous inquiry for the e-ticket, (Col. 15, lines 2-5, without receiving a reply, aborting transaction).

In this case, Rosen does not specifically disclose sending the e-ticket to a plurality of servers. However, it is obvious that the e-ticket is sent to a plurality of servers since a copy of the ticket is already sent to a merchant server via merchant trusted agent and Rosen shows a plurality of servers in fig. 5.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to send e-tickets to a plurality of servers with the motivation of receiving a plurality of replies.

As per claim 12, Rosen discloses:

d) collecting the identities of the answering servers in an answer set, REPLIES, (Col. 14, line 57-Col. 14, line 2, reply message is shown, in this case the server's identity must be collected in order to successfully send a message to a particular server) .

As per claim 13, Rosen discloses:

wherein step b) further comprises the steps of :

i) broadcasting the e-ticket and REPLIES to the plurality of servers, (Col. 33, lines 11-16, shows implementation of broadcasting, Col. 17, lines 46-49, sends the

identity of the merchandise [represents e-ticket], and also sends a message to trusted agent A to buy the selected merchandise or e-ticket); and

collecting the identity of any server S_k broadcasting the e-ticket and an associated answer set $REPLIES_kT$ in a second answer set, $SRVs, T$ upon receipt of the broadcast, (Col. 14, lines 61-63, shows messages are numbered which appears in reply messages, which means there is at least a first and a second reply message, and as stated above, the server's identity must be collected in order to successfully send a message to a particular server).

In this case, Rosen does not specifically disclose broadcasting the e-ticket to a plurality of servers. However, it is obvious that the e-ticket is broadcasted to a plurality of servers since a copy of the ticket is already sent to a merchant server via merchant trusted agent and Rosen shows a plurality of servers in fig. 5.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to broadcast e-tickets to a plurality of servers with the motivation of receiving a plurality of replies.

Allowable Subject Matter

5. Claims 3, 6, 14 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

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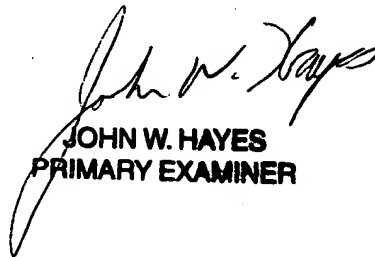
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Tuesday 8:30am-5pm, and Wednesday, 8:30 am-12:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



A. R. B.
June 13, 2005



JOHN W. HAYES
PRIMARY EXAMINER